

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of October 4, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 1-4, 6-14, and 16-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,691,162 to Wick (hereinafter Wick). Claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wick in view of U.S. Patent 6,430,604 to Ogle, *et al.* (hereinafter Ogle).

Amendments to the Claims

Although Applicant respectfully disagrees with the rejections in the Office Action, Applicant nonetheless has amended the claims in order to expedite prosecution of the present application by further emphasizing certain aspects of the claims. Applicant respectfully asserts, however, that the claim amendments presented are not intended as, and should not be interpreted as, the surrender of any subject matter. Applicant is not conceding by these amendments that any previously submitted claims are unpatentable over the references of record. Applicant's present claim amendments are submitted only for purposes of facilitating expeditious prosecution of the present Application. Accordingly, Applicant respectfully reserves the right to pursue any previously submitted claims in one or more continuation and/or divisional patent applications.

In this response, Applicant has amended the independent claims to emphasize certain aspects of the claims. In particular, the independent claims have been amended to recite the limitation that the action to be performed automatically is associated with a group of users. Accordingly, in response to a state change of any of the users in the group associated with the action, the action is performed only for the users showing a

state change. That is, a rule for reacting to state changes is defined on a group level basis, rather than on a user level basis. Additionally, new claims 24 and 25 are presented. These new claims recite that on top of the group-level rules or actions been designated, user-level actions can also be designated. Such amendments are fully supported throughout the Specification. (See, e.g., paragraph [0030].) Claims 2, 4, 8, 10, 12-15, 18, and 20 have been amended to maintain consistency among the claims. Claims 6, 7, 9, 16, 17, and 19 have been cancelled in this response. No new subject matter has been introduced by any of these amendments.

Aspects of the Claims

Prior to discussing the cited references, it may be useful to discuss certain aspects of the claims. The claims, as amended, recite systems and methods for instant messaging. A method, as typified by amended Claim 1, can include selecting a group of subscribers of an instant messaging service. The method can also include designating at least one action for an instant messaging client to automatically perform in response to a state of a subscriber changing to a specified state change and associating the designated action with the selected group. The method can further include automatically detecting a state changes in any of the subscribers in the group. Finally the method can include automatically executing the designated action associated with the group for any subscribers for which the specific state change has been detected.

In some embodiments, as typified by new Claim 24, the method can further include designating at least one other action for an instant messaging client to automatically perform in response to a state of a specific subscriber in the group changing to another specified state. Accordingly, in response to detecting that a state change for the specific subscriber is the other specified state, the other action can be automatically executed.

The Claims Define Over the Cited References

As previously discussed, independent Claims 1, 11, and 21-23 were rejected as being anticipated by Wick. Wick discloses a system and method for monitoring users of a computer network and taking action in response to user actions. However, in view of all the teachings of Wick, Applicant respectfully submits that the claims, as amended, define over the references of record.

In particular, Wick fails to disclose, suggest, or render obvious the step of selecting a group of subscribers and designating an action to be taken for a subscriber in the group in response to a status change of the subscriber. In the portion cited in the Office Action (Col. 5, lines 5-55), Wick only discloses the application of rules or actions on a user-by-user basis. That is, Wick explicitly discloses that an action is only associated with a specific "pouncee." Nowhere does Wick disclose or suggest that the designated action or rule can be applied to any group of pouncees. Rather Wick explicitly discloses that even though a Buddy list is available, as illustrated in FIG. 6, a new pounce can only be created on a buddy-by-buddy basis, as illustrated in FIG. 8. Furthermore, even though FIG. 12 appears to show a Buddy pounce including several subscribers, Wick discloses in the accompanying text that this listing is only provided to allow the user to modify and/or delete existing pounces, not to group them together.

In contrast, the claims, as amended explicitly recite designating a single action to multiple subscribers. Such a configuration is more advantageous than Wick, as the user need not repeatedly enter actions for each and every subscriber in the group. This allows the user to manage instant messaging with multiple subscribers based on a single rule entered into the instant messaging client. For example, if one user has an important matter to discuss with several subscribers, the action can specify the message "I need to talk to you about XYZ" be sent or immediately initiate a session with any subscriber in the list who logs on. Therefore, as the subscribers in the selected group log on, the one

user need not track them down as they are connected immediately to the one user or automatically receive the message from the one user.

Furthermore, with regards to new Claims 24 and 25, Wick fails to disclose a system or method in which actions can be designated for groups and for individual subscribers. As discussed above, nowhere does Wick disclose or suggest that actions can be designated on a group-level basis. Furthermore, even were Wick properly interpreted as disclosing such a limitation, nowhere does Wick disclose or suggest setting up two levels of actions. Wick only discloses a single action or event for a single pouncee. In contrast, the new claims explicitly recite that an additional action can be designated for specific subscribers when specific state changes occur. Such a configuration allows group-level actions to be adjusted for specific subscribers. For example, even though the group-level action specifies that an action should be taken if subscribers in a group are in an available state, an additional action can specify that for specific subscribers, a specific available state is also required prior to taking an action.

Accordingly, Wick, separately or in combination with any other combination of references of record, fails to disclose, suggest, or render obvious each and every element of the independent claims, as amended. Applicants therefore respectfully submit that the independent claims define over the references of record. Furthermore, as the remaining claims each depend from one of the independent claims while reciting additional references, Applicants submit that the dependent claims likewise define over the references of record.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: January 4, 2008

/Richard A. Hinson/

Gregory A. Nelson, Registration No. 30,577

Richard A. Hinson, Registration No. 47,652

Eduardo Quinones, Registration No. 58,575

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000